

EXHIBIT 2

FILED UNDER SEAL

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24 *Attorneys for Defendant Sonos, Inc.*

25
26 UNITED STATES DISTRICT COURT
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28 NORTHERN DISTRICT OF CALIFORNIA
29
30 SAN FRANCISCO DIVISION

31 GOOGLE LLC,
32 Plaintiff and Counter-defendant,
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34 v.
35
36 SONOS, INC.,
37 Defendant and Counter-claimant.

38 Case No. 3:20-cv-06754-WHA
39 Related to Case No. 3:21-cv-07559-WHA

40
41 **REPLY EXPERT REPORT OF**
42 **DR. KEVIN C. ALMEROOTH**

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1 275. While it is true that a user could in theory memorize an association between a
2 certain speaker group and an arbitrary, non-thematic name that was assigned to the speaker group
3 (as Dr. Schonfeld suggests – *see* 1/13/2023 Schonfeld Rebuttal Report at ¶¶ 180-181), requiring a
4 user to do so is inconvenient, not to mention that the user may ultimately forget the association. It
5 would also be problematic for those users that have large Google networked audio systems with
6 many different speaker groups. Additionally, while the user that created the speaker group may
7 memorize the association between the speaker group and the arbitrary, non-thematic name that
8 was assigned to the speaker group, another user in the same house may not be aware of the
9 association, which could result in that other user launching the speaker group at an inappropriate
10 time (e.g., when a baby is sleeping in a room that includes one of the Accused Google Players in
11 the speaker group).

12 276. For the reasons explained above, I also disagree with Dr. Schonfeld’s assertion that
13 this new alleged non-infringing alternative “would match users’ expectations and enable the
14 current level of functionality that users expect and receive from their Google devices.” *See*
15 1/13/2023 Schonfeld Rebuttal Report at ¶ 181. In my opinion, in a Google networked audio system
16 where a user is able to use an Accused Google Controller to create and save a speaker group that
17 can later be launched on demand at any time, users expect to be able to assign a “common theme”
18 to the speaker group.

19 277. Lastly, Dr. Schonfeld also has not established that this new alleged non-infringing
20 alternative, which was not on the market during the timeframe of infringement, would have been
21 available to Google – particularly in view of the fact that Sonos has many other patents directed to
22 technology for grouping “zone players” together for synchronous playback.

23 **XVI. SONOS’S USE OF THE PATENTED TECHNOLOGY**

24 278. Dr. Schonfeld does not dispute my opinion that (i) Sonos’s One, One SL, Play:1,
25 Play:3, Play:5, Five, Move, Roam, Beam, Playbar, Playbase, Arc, Connect, Port, Connect:Amp,
26 Amp, SYMFONISK table lamp WiFi speaker, and SYMFONISK bookshelf WiFi speaker each
27 practice Asserted Claim 1 of the ‘885 Patent, and (ii) third-party computing devices (e.g., iOS and
28 Android smartphones) installed with the Sonos S2 app practice each of the Asserted Claims of the

1 supplement this Reply Report in view of Mr. MacKay's additional deposition testimony.

2 290. If I am requested to do so, I may respond to additional statements made, or
3 discovery provided, by Google, or opinions submitted by expert witnesses on behalf of Google. I
4 may do this in a responsive report or in a supplemental report as appropriate.

5 291. I expect to testify at trial regarding the matters set forth in this report, if asked about
6 these matters by the Court or by the parties' attorneys.

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8 Dated: January 23, 2023

9 By: Kevin C. Almeroth
10 Kevin C. Almeroth

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